

CAL/EPA POLICY MEMORANDUM

SUBJECT:	NUMBER:
	E-07-06
CAL/EPA ENFORCEMENT TRAINING POLICY; CAL/EPA ENFORCEMENT TRAINING STEERING COMMITTEE AND ENFORCEMENT TRAINING PROGRAM	DATE ISSUED:
	November 1, 2007
REFERENCES:	EXPIRES:
	UNTIL RESCINDED
GOVERNMENT CODE, Section 12812.2(a)(1) Secretary of Cal/EPA Enforcement Initiative Memo of November 30, 2004 Cal/EPA Enforcement Training Policy	CATEGORY:
	ENFORCEMENT <u>TRAINING</u>

This policy formalizes the Cal/EPA Enforcement Training Policy establishes an Enforcement Training Steering Committee to oversee implementation of this policy, and launches a cross-BDO effort under the direction of the Assistant Secretary for Enforcement Education and Training to develop an Enforcement Training Program.

While training for environmental enforcement inspectors and investigators has long been a practice among the individual Boards, Departments, and Offices (BDOs) within the California Environmental Protection Agency (Cal/EPA), to date an overarching, standard program of instruction applicable to field personnel across all media and within all strata of environmental regulatory agencies has not been established. The creation and administration of a structured, comprehensive, and centralized curriculum will allow for a basic and consistent set of courses, would maximize the availability of scarce training resources within the BDOs, and would allow for an efficient expansion of training opportunities to our local government enforcement partners.

The impetus for a well-trained environmental enforcement workforce is referenced in both statute and policy. Government Code Section 12812.2 established a Deputy Secretary for Law Enforcement and Counsel within the Office of the Secretary, and prescribes to the Deputy the duty of developing:

“...a program to ensure that the boards, departments, offices, and other agencies that implement laws or regulations within the jurisdiction of the California Environmental Protection Agency take consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment. The program shall include training and cross-training of inspection and enforcement personnel of those boards, departments, offices, or other agencies to ensure consistent, effective, and coordinated enforcement.”

In response to Governor Arnold Schwarzenegger’s “Action Plan for California’s Environment” (that clearly cited the need for a strong environmental enforcement program), former Secretary Terry Tamminen recommended in his November 30, 2004 “Enforcement Initiative”

memorandum that the Air Resources Board lead a Cal/EPA enforcement training program and develop a cross-program training curriculum for all State, regional, and local government environmental field staff. In response, the Enforcement Training Team was convened to develop a Cal/EPA Enforcement Training Policy.

Existing Enforcement Training Resources

While each BDO offers an independent variety of courses that address enforcement subjects inherent to each individual agency, currently the only comprehensive cross-media training program is housed within the California Air Resources Board (ARB). These programs include the "Cal/EPA Cross Media Enforcement Symposium" and the "Cal/EPA Basic Inspector Academy". ARB allocates four of its own staff resources (i.e., 4 PYs) to implement these programs. ARB had been granted 3.5 PYs to administer these programs; however these positions were lost during the 2002 budget crisis.

Augmentation of Current Training Resources

The content and frequency of the current cross-media enforcement training course offerings are not sufficient to address the preparatory requirements of the more than 2,000 enforcement field personnel based within State and local governments. The ARB alone cannot continue to serve as the sole supplier of training resources. In order to fill these gaps and meet the intent of the law, additional staff resources drawn from the remaining BDOs are necessary to develop and implement a centralized Enforcement Training Program. To address this staffing shortfall, each Board and Department shall reallocate one person (i.e., 1 PY), who shall report directly to the Chief of the Training and Compliance Assistance Branch at the Air Resources Board, to implement the Cal/EPA Enforcement Training Policy and develop and administer a centralized Enforcement Training Program.

_____/s/
Linda S. Adams
Secretary for Environmental Protection

Attachment: Cal/EPA Enforcement Training Steering Committee Charter

**CAL/EPA ENFORCEMENT INITIATIVE
CAL/EPA ENFORCEMENT TRAINING STEERING COMMITTEE
CHARTER**

November 1, 2007

NAME: Cal/EPA Enforcement Training Steering Committee

SPONSOR: Matt Bogoshian, Deputy Secretary for Law Enforcement and Counsel

SPONSOR'S DESIGNEE: Lisa Brown, Assistant General Counsel

MEMBERSHIP: Assistant General Counsel for Enforcement; Chief of the Training and Compliance Assistance Branch at the Air Resources Board, and assigned staff from each Board and Department.

MISSION: Implement the Cal/EPA Enforcement Training Policy and develop a centralized Enforcement Training Program.

BACKGROUND: A well-trained field enforcement workforce provides the greatest assurance that violations of environmental laws and regulations will be revealed, brought to satisfactory resolution with the impact of the violations sufficiently mitigated. A well-designed and comprehensive training program that addresses the needs of all environmental media at all levels of State and local government represents one of the best methods for ensuring that field enforcement personnel are able to complete their goals effectively. To this end, and in response to Secretary Terry Tamminen's Enforcement Initiative of November 30, 2004, the Cal/EPA Enforcement Education and Training Team was convened to consider recommendations and develop a Cal/EPA Enforcement Training Policy. The team met during 2005 and developed said policy with the accompanying recommendation that a centralized Enforcement Training Program be established under the direction of the Chief of the Training and Compliance Assistance Branch at the Air Resources Board.

GOALS:

1. Implement the Cal/EPA Enforcement Training Policy; and
2. Develop and plan for administration of Enforcement Training Program.

GOVERNANCE:

Committee Authority:

1. Dedicate resources as appropriate to implement or support Committee projects;
2. Charter workgroups/sub-committees as necessary to develop specific projects or proposals for Committee consideration; and
3. Invite other participants as appropriate.

COMMITTEE COMMITMENTS:

Sponsor's Designee:

- Meet regularly as necessary to provide policy direction and progress updates.
- Review/approve implementation plan and deliverables.
- Communicate relevant information regularly with steering committee.
- Assist with resolving differences between Cal/EPA and BDOs on steering committee products, or when BDO resources dedicated to work on this enforcement initiative conflict with BDO priorities.
- Review and approve plans and subsequent deliverables.
- Report progress of steering committee to the sponsor.
- Advise sponsor as necessary for approval of committee recommendations.

Committee Members:

- Actively participate in steering committee meetings;
- Review and provide constructive comments on committee proposals and draft products;
- Share program information;
- Develop constructive and cooperative solutions to identified issues;
- Provide fair, professional and careful consideration of all recommendations; and
- Participate on sub-committees and workgroups or provide staff to research and develop ideas for program improvement.

Committee Duties:

- The Committee will meet no less frequently than once each quarter or as often as monthly if deemed necessary. Committee members will participate in meetings and complete agreed upon tasks as appropriate.

PROJECT DURATION: Until discontinued by the Secretary.

/s/

Linda S. Adams
Secretary for Environmental Protection

CAL/EPA ENFORCEMENT TRAINING POLICY

I. Vision

A Cal/EPA Enforcement training program that enables local and state Cal/EPA Enforcement professionals to develop the knowledge, skills and abilities to effectively contribute to attaining and maintaining healthy environmental quality, to quickly learn new job responsibilities and to maintain, enhance and update skills in their existing areas of responsibilities.

II. Goals

The goals of the Cal/EPA Enforcement training program are to:

1. Understand the training needs of local and state environmental officials on an on-going basis.
2. Provide training opportunities that meet the needs of local and state environmental professionals utilizing effective and cost-efficient training methods.
3. Utilize course material that is up to date, complete and easy to use.
4. Ensure that training is effective by using instructors that are recognized subject matter experts, who communicate clearly and are effective teachers.
5. Enhance the delivery of training through the use of existing, new and emerging technologies where appropriate.

III. Elements of the Training Policy

The following sections will provide options and recommendations for addressing elements of the training policy.

1. Communication

Achieving our vision for a Cal/EPA Enforcement training program will require collaboration among state and local environmental agencies, EPA and other entities contributing to the program's success. Effective communications among the collaborators, and between the collaborators and the end-users, is essential to achieve our vision.

- Cal/EPA and Boards and Departments (BDOs) will communicate its strategic priorities and programmatic changes so that training needs assessments and course development and offerings can reflect these priorities.
- Cal/EPA and BDOs will communicate upcoming rulemakings and policy changes that require changes to courses or new courses. This communication will occur early enough so that courses can be developed and existing courses can be modified. State agencies need to consider training needs of the locals when they develop new rules since the locals are often the ones that have to implement the new rules.
- States and localities will communicate information relevant to developing courses and curriculum, such as training plans for staff.

- Will develop effective communications for course opportunities and curriculum requirements to new employees, training coordinators and existing employees.

2. Assessment of needs

Each State and local agency should conduct their own needs assessment to ascertain the training needs of their staff and communicate these needs to Cal/EPA and each BDO.

A needs assessment provides vital information to understand the training needs of local and state environmental officials on an on-going basis. An assessment consists of various formats, including formal surveys and discussions with local and state environmental staff in order to identify core training needs and emerging issues for which training is needed and to determine if current course curricula are sufficient to meet the needs. The needs of new staff and seasoned staff will be different. Input on the assessment should not be limited to either one of these audiences. Valuable input can be obtained through surveys or discussing the needs of each audience with management.

- A periodic assessment should be conducted at the local and state level and will be updated frequently. The assessment is not static, but should be done periodically as needs change over time due to various factors including changes in regulations, new procedures, new science, etc.
- State and local agencies will be encouraged to maintain training plans for their staff.
- In addition to core training needs, the assessment should assess the special needs of states and localities due to regional variations in environmental quality and sources.
- Upcoming and future regulatory requirements should be taken into consideration in developing the assessment.

3. Development of curriculum

Cal/EPA and the BDOs will take the lead in developing the “core curriculum” for enforcement staff, with input from Cal/EPA Enforcement Training Team Committee. Each agency may tailor the curriculum to reflect regional and specialized needs. The highly recommended courses for regulatory and enforcement staff includes:

- Violence in the workplace for field staff
- Industry worker safety awareness
- Supplemental inspections/investigation skills
- Written techniques
- Field Communication skills
- Overview of Environmental Law
- Inspector Overview
- Elements of a Violation (Report Writing)
- Inspector Liability
- Resolution of non-compliance
- Sampling and Evidence collection overview

- Case development
 - Photography/videography
 - Fraud
 - Science of Environmental Pollution
 - Computer Use and Internet Resources
 - Access Entry and Warrants
- Specific curriculum for each media will be developed for new employees that prepare them in their specific agency. A curriculum will be developed for existing employees to refresh their skills and update them.

4. Training coordinators

Training coordinators should be identified in each local and state agency to act as a primary point of contact on matters related to training.

5. Course scheduling

Each organization giving training is responsible for scheduling that training using the consolidated Training Calendar, but the Cal/EPA Enforcement Training Team Committee will coordinate course scheduling so that courses are spread throughout the year. Cal/EPA will take the lead on scheduling core courses.

Master course calendar

It is important that all organizations that give courses have access to a master course calendar to schedule courses most efficiently. Cal/EPA will manage a master course calendar; all organizations will be responsible for inputting information into the calendar.

IV. Summary

Competent inspectors facilitate effective enforcement resolution. When all factors influencing job performance function correctly, well trained inspectors help the Cal/EPA meet its goals in controlling pollution. Training represents one of the best methods of ensuring that inspectors are able to complete their goals effectively. This training plan should result in the highest quality, most efficient, most effective training possible. Because inspectors are given the tools necessary to complete their duties, they will do a better job of surveying for violations, and better enforcement. Potential violators recognize that they are better off complying with the regulations than trying to hide excess air pollution rates. A greater compliance rate with rules leads to a cleaner environment, directly furthering Cal/EPA's goals.